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 6

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

JASON SCUTT, an individual, on behalf of herself  
  
 Plaintiff  
  
 vs.  
  
 FAMILY LIFE CENTER  
  
 Defendants.

CASE NO.: CV-20-000375 JAO-KJM

PLAINTIFF'S Motion for Sanctions Regarding  
 Bad Faith Conduct By Attorney; Request for  
 Hearing/Speech Accommodation for Discovery;  
 Motion to Compel Discovery; Certificate of  
 Service

Trial Date: none set

**I. Introduction and Facts**

This is a request for sanctions against Attorney James Hochberg for bad faith conduct during the initial Rule 16 Conference of Parties in which Mr. Hochberg first demonstrated his contempt for the Federal Rules of Civil Procedure (Fed. R. Civ. P's) by participating in certain hate speech consistent with that of his client. Mr. Hochberg used specific epithets such as "Dog" and "King George..." to disparage LGBTQ individuals as was reported in Plaintiff's Rule 16 Conference of Parties after Plaintiff had requested use of respectful pronouns. Mr. Hochberg has encouraged his client and even participated in procedural manipulation designed to frustrate any early resolution

1 of the process, despite having made statements agreeing to the possibility and to  
2 comply with discovery.

3  
4 Mr. Hochberg as well as representatives or Alliance members of the Defendant later  
5 engaged in harassment as a means of disrupting the discovery process instead of  
6 participating in good faith. For example on 3/25/2021, 3/30/2021 a Female  
7 representative of the Defendant spoke or broadcast "psst hey Kike.." and similar  
8 audible inside Plaintiff's residence (despite hearing impairment); on 4/17/2021 the ,  
9 4/24/2021, Plaintiff began to receive verbal, telephonic and/or broadcast messages  
10 from both the Unidentified Female Representative and Alliance members as well as  
11 and Mr. Hochberg, including consistent messages such as "hey poo-poo head" "how  
12 now brown towel" (which is actually an anti-handicap slurs and specific reference to a  
13 "medical" incident described in another interlocutory proceeding. On these examples  
14 and several other dates recorded by Plaintiff, Mr. Hochberg could also heard in these  
15 broadcasts making obscene sounds and "masterbating" gestures , including a  
16 statement about his use of a "Fleshlight" which is apparently a sex device and also  
17 that he thought Plaintiff was "...Participating in the O thing..." , shortly thereafter  
18 plaintiff began to receive the harassing emails about "oral depositions" - see exhibit A  
19 for an excerpt of those emails as well as a list of slurs and specific dates of occurrence  
20 being used to harass Plaintiff. Mr. Hochberg as well as representatives from the  
21 defendant participated in most of these and shortly thereafter Plaintiff was not allowed

1 out or back inside her own residence in the small community. Plaintiff has filed a  
2 change of adress with the Court in all related interlocutory proceedings. Alliance  
3 members also used terrorizing and threatening/anti-semetic statements such as “get  
4 you Pig-raped” and other forms of “rape” as documented in Exhibit A. Finally,  
5 Alliance members are using the word “kike” to describe not only people of Jewish  
6 faith, but also to specifically identify LGBTQ individuals, as such the Court should  
7 construe the use of this word to be expanded to include LGBTQ hate speech  
8 specifically. This constant barrage of harassment and hate speech occurred on a daily  
9 basis from about March until present, often several times per hour, as documented in a  
10 separate journal in more detail. These incidents were reported to the appropriate  
11 authorities, including to the FBI and FCC, however no known response has yet been  
12 applied.

## 13 14 **II. Jurisdiction**

15 The Fed. R. Civ. P's 11 and 37 ; various statutes, as well as the court's inherent  
16 power to impose sanctions

## 17 18 **III. First Cause of Action**

19 Attorney using unlawful harassing tactics in lieu of Compliance:

20 The Court should consider In re Tuto Wells Contamination Litigation, 120 F. 3d 368  
21 (3d Cir. 1997). and similar case law when compared to Mr. Hochberg's refusal to

1 comply with the Rule 34 Document request is parallel to these cases where crucial  
2 documents were suppressed or withheld. Also, Mr. Hochberg filed a "Certificate of  
3 Service" attesting to the Court under Oath that he had complied with the  
4 Interrogatories and Rule 34 Documents requests, however the actual responses to  
5 Interrogatories provided were evasive and incomplete and failed to demonstrate even  
6 the slightest professional care or standard. Additionally, there was nonresponse  
7 whatsoever to the document requests which are currently past due.

8  
9 The Court should consider *Chambers v. NASCO*, 501 U.S. 32 (1991) as another  
10 parallel example to Mr. Hochberg's attempt to use delay tactics and harassment  
11 instead of following the Fed R. Civ. P.'s. Also *Poole v. Textron*, 192 F.R.D. 494 (D.  
12 Md 2000) in which the Court found that the attorneys acted in bad faith based on  
13 similar conduct; *Malautea v. Suzuki Motor Company*, 987 F.2d 1536 (11th Cir.  
14 1993) in which the Court sanctioned the attorneys for deliberately withholding  
15 discoverable information and resisting discovery. As such, Mr. Hochberg has  
16 intentionally misled the Court by filing the "Certificate of Service" and also by stating  
17 in his Conference statements that he was in compliance with all Rules and regulations  
18 when in fact he was not.

#### 19 **IV. Second Cause of Action**

20 Attorney attempting to harass based on hearing/speech impairment:

1 During June of 2021, Mr. Hochberg made informal demands in a series of  
2 unprofessional emails demanding that Plaintiff participate in "Oral Depositions"  
3 despite being notified and agreeing to the use of email and written depositions.  
4 Instead of simply agreeing to the accommodation to use written depositions, Mr.  
5 Hochberg demands in an intimidating manner that he must do "oral depositions",  
6 however does not properly serve any notice or request, nor does he involve the Court  
7 in the deviation from the discovery plan.

8 As such, Plaintiff requests that the Court grant the motion for disability  
9 accommodations specifically to allow for email exchange of service as well as written  
10 deposition only. Plaintiff does require some minor assistance /cc text translation for  
11 telephone for verbal discussions lasting more than 1 hour based on diagnosed tinnitus  
12 in her right ear. Also, the attorney is attempting to agitate injuries from traumatic  
13 events and as a result such depositions would likely result in her crying or not being  
14 able to continue.

## 15 **V. Relief**



16 Plaintiff respectfully requests that the Court grant the following:

- 17 1. Request for Sanctions against the offensive attorney in an amount or action  
18 deemed appropriate by the Court
- 19 2. Motion to Compel Discovery of the items requested in the Plaintiff's Rule 34  
20 Document Request and for complete and truthful responses to Plaintiff's  
21 Interrogatories.

3. Plaintiff also respectfully requests an Order granting the Disability Accommodation for Written Depositions Only for this proceeding as well as all other related/interlocutory proceedings if possible.

## VI. Exhibit A

- Mr. Hochberg sending creepy unprofessional emails attempting to suggest Plaintiff “meet with him in person” for some reason, also refuses to use pronouns she/her/they and deliberately uses wrong pronouns as a form of harassment:

RE: Oral Deposition  



**jim@jameshochberglaw.com**  
to me ▾

Fri, Jun 25, 4:28 PM (5 days ago) ☆ ↶ ⋮

Jason,

I have the right to take your oral deposition and unless a judge orders that I cannot, that is what I will require in this case. So, how long will you be on Oahu?

- Hate Speech Map:

- 1 (APPARENTLY ALSO TO DISPARAGE TRANS AND OTHER GROUPS)
- RINKY-DINK 2
- ATHEIST 3 (Suggesting Jewish people don't believe in God)
- SINNER 4
- NIGGER 5
- SURF NIGGER 6 (Apparently to disparage Hawaiians)
- WAVE-NIGGER 7 (Apparently to disparage Hawaiians)
- PRETTY LITTLE VIRGIN 8 (Trans/Homophobic/REFERENCE TO RAPE-SEE BELOW #53)
- TINKERBELL 9 (Trans/Homophobic)
- TRANNY 10 (Trans/Homophobic)
- BUTTERCUP 11
- GENGIS KAHN 12 (Apparently to refer to Asians)
- FAG 13
- FAGGOT 14
- HOW NOW BROWN TOWEL 15 (To disparage Native Americans)
- HIAWATHA 16 (To disparage Native Americans and also a reference to incident at Kaiser Hospital)

1	•	POCAHANTAS	17	(To disparage Native Americans)	
2	•	GERONIMO	18	(To disparage Native Americans)	
3	•	PRAIRY NIGGER	19	(To disparage Native Americans)	
4	•	HADJI	20		
5	•	HOALE	21		
6	•	SAND NIGGER	22		
7	•	RASTAFARI	23		
8	•	SPIC	24		
9	•	BITCH	25		
10	•	REEF NIGGER	26	(Apparently to disparage Hawaiians)	
11	•	MAZEL TOV	27		
12	•	LITTLE	28		
13	•	PAINFUL EAR TONES	29		
14	•	"ARREVADECHI"	30		
15	•	"...GET YOU RAPED"	31		
16	•	"...GET YOU GANG RAPED"	32		
17	•	"...KILL YOU...:"	33		
18	•	"SKIKE"	34	(A reference to Last name "Scutt")	
19	•	"SCUTT-BUTT"	35	(A reference to Last name "Scutt")	
20	•	"GO BACK TO..."	36		
21	•	HE/HIM/"UNCLE"/JASON (AFTER PREVIOUSLY USING "AJ")	37	(To disparage	
22		transgender)			
23	•	BEAZLEBUB	38		
24	•	JEZABEL	39		
25	•	JUDAS	40		
26	•	SHE-HE	41		
27	•	THUG	42		
28	•	KA-POW	43		
29	•	KA-BOOM	44		
30	•	HOPE YOU KNOW KARATE	45		
31	•	HEY, BLACK BELT	46		
32	•	HOPE YOU KNOW HOW TO USE A TOMAHAWK	47		
33	•	ABOMONATION	48		
34	•	WHITE POWER	49		
35	•	HAPPYNESS IS A WARM GUN	50	(KIHEI)	
36	•	REEF-KIKE	51		
37	•	ECHO	52	? SUGGESTING CERTAIN CLASSES OF PEOPLE ARE NOT AMERICAN? CHARLIE..	
38	•	INNOCENT LITTLE VIRGIN	53	ALSO PRETTY LITTLE, SILLY LITTLE... [RAPE?] "RAPE	
39		VIRGIN"		IS THE SUGGESTION IN THIS CONTEXT	
40	•	HULA-RAPED	54		
41	•	PH-KIKE55		RACIST AGAIST PHILIPINOS?	
42	•	GET BAPTIZED	56	RELIGIOUS HARRASMENT	
43	•	JESUS IS LORD	57	RELIGIOUS HARRASMENT	

- 1 • EAR-RING FOR THE HEARING 58 HEARD AFTER PAINFUL EAR TONES (SEE #29 ABOVE)
- 2 CAUSING HEARNIG LOSS AND PAIN- FIRST TIME WAS RIGHT BEFORE FEDERAL COURT HEARING
- 3 FOR MAUI LAND AND PINEAPPLE, MULTIPLE ASSUALTS THEREAFTER - SEE #29 ABOVE
- 4 • MONKEY 59 RACIST
- 5 • SWAMP-CRACKER 60 RACIST AGAINST WHITE PEOPLE?
- 6 • SWAMP-HONKEY 61 RACIST AGAINST WHITE PEOPLE?
- 7 • SNAKE-IN-THE GARDEN 62 RELIGIOUS HARASSMENT-UNWANTED BIBLICAL REFERENCES
- 8 • CONTACT 63 MILITIA PHRASE SHOUTED BY SAME FEMALE - FRUMPY(2-KIHEI)? WHEN
- 9 I GO OUT IN THE YARD, LIKELY HAS FIREARMS (USED TO ACKNOWLEDGE "ENEMY CONTACT" TO
- 10 OTHER "SOLDIERS"- COMBAT PHRASE), EX-MILITARY AND/OR MILITIA MEMEBERS ENGAGING IN
- 11 CONSTANT HARRASMENT
- 12 • PIG-RAPED 64
- 13 • NIGGER LOVER 65
- 14 • FOUL ODORS 66 AS HARASSMENT
- 15 • HOPE YOU GET RAPED 67
- 16 • PISTOL-WHIPPED 68
- 17 • SPEAR-CHUCKER 69
- 18 • NIGGER-RAPED 70
- 19 • DONKEY MEAT 71
- 20 • ONLINE OR IN PERSON STALKING/ TELEPHONIC HARRASMENT 72 HOPE YOU KNOW TEA
- 21 KWON DO ETC. = TERROSITIC THREATENING
- 22 • HIPPA VIOLATION 73 ON MULTIPLE OCCASIONS, PRIVATE HEALTH INFO WAS
- 23 EXPOSED AS RETALATION/HARASSMENT OR AS MANUPULATION METHOD OF ASKING FOR
- 24 MONEY FROM FAMILY ON THE MAINLAND, SEE UNREIMBURED HEALTH CARE RECEIPTS, ETC.
- 25 • ANTI-HANDICAP SLURS 74 ANOREXIC SCUM SIMILAR TO [VERB] BODY DYSHPMORPHIC
- 26 SCUM OR OTHER DEROGATORY TERM FOR PEOPLE WITH DISABILITIES , DANGER TO MINORS
- 27 UNDER CARE OF THESE INDIVIDUALS WHO DON'T UNDERSTAND MENTAL ILLNESS AND
- 28 GENDER DIVERSITY, ALSO "POO POO HEAD (ALSO REFERNECE TO BROWN TOWEL INCIDENT
- 29 FROM #15 ABOVE, SCHIZO, IMPOTENT, CASTRATED, RETARD, MENTAL PATIENT," ETC. ALSO
- 30 RELATED TO #77 BELOW
- 31 • MEDICAL MALPRACTICE/INTEFFERNE WITHN PRESCRIPTION AS
- 32 PROTEST/HARASSMENT/ABUSIVE "BEHAVIOR HEALTH" "CLINICAL" PROCEDURES WITH NO
- 33 MEDICAL VALUE USED TO HARASS ALONG WITH HATE SPEECH 75 UNITED
- 34 HEALTHCARE,KAISER PERM, MALAMA CLINIC (TARAYLN GERMAN), WCCC? LAVENDER CLINIC?
- 35 • LAST NIGHT I WAS IN YOUR ROOM 76
- 36 • THREATS TO FOOD INTEGRITY 77
- 37 • LADY-BOY 78
- 38 • FAIRY 79
- 39 • LIBERACHE 80
- 40 • WATER-NIGGER81 BECAUSE I WASH MY ASS?
- 41 • BLIGGER 82 REF TO BLACK LIVES MATTER
- 42 • SHOTGUN MEAT 83
- 43 • DOG 84 SAID BY LAWYER



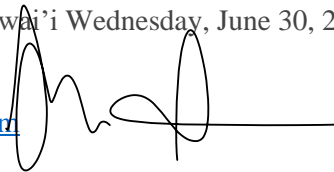
- 1 • KING GEORGE 85 SAID BY LAWYER
- 2 • MAUI PICKS ITS PEOPLE 86 COMMON LOCAL SAYING, DICTATES WHO ISNT ELIGIBLE OR
- 3 NOT WELCOME TO THE SAME EQUALITY IN MANY ADMINISTRATIVE PROCESSES
- 4 • KDIKE 87 ANTI LGBTQ AND ANTI SEMETIC
- 5 • MACGYVER 88 ANTI-LGBTQ, ANTI-LESBIAN?
- 6 • DE-THRONED A DRAG QUEEN 89 COMMON MAUI PEOPLE SAYING TO DISPARAGE
- 7 TRANSGENDER/LGBTQ
- 8 • KRIKE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20 DATED: Honolulu, Hawai'i Wednesday, June 30, 2021

21 **JASON SCUTT**

22 /s/ Jason Scutt

23 [Jason.r.scutt@gmail.com](mailto:Jason.r.scutt@gmail.com)

A handwritten signature in black ink, appearing to read 'Jason Scutt', is written over the printed name and email address. The signature is stylized with loops and a horizontal line extending to the right.

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Plaintiff's Motion for Sanctions Regarding Bad Faith Conduct By Attorney; Request for Hearing/Speech Accommodation for Discovery; Motion to Compel Discovery; Certificate of Service

Trial Date: none set

CERTIFICATE OF SERVICE

I certify, on the date below, a copy of the foregoing document was duly  
served upon the following party as indicated below:

9  
10 James Hochberg, Attorney  
11 700 Bishop St, Suite 2100, Honolulu Hi, 96813  
12 Served via email  
13

14 DATED: Honolulu, Hawai'i Wednesday, June 30, 2021  
15 /s/ JASON SCUTT  
16

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